

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-50 are pending in this application. Claims 1, 6, 11, 16, 21, 26, 31, 36, 41, and 46 are independent. Claims 1, 6, 11, 16, 21, 24-26, 30, 31, 36, 41, 46, 49, and 50 are hereby amended. Claims 51-81 are canceled herein without prejudice or disclaimer of subject. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification, specifically on page 27, lines 12-21. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

Claim 30 was objected to due to an informality. Claim 30 is amended herein, obviating the rejection.

II. REJECTIONS UNDER 35 U.S.C. §112

Claims 21-25 and 46-50 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claims 21, 24, and 25 are amended herein, obviating the rejection.

III. REJECTIONS UNDER 35 U.S.C. §101

Claims 21-25 and 46-50 were rejected under 35 U.S.C. §101. Claims 21, 24, 25, 46, 49, and 50 are amended herein, obviating the rejection.

IV. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-50 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,260,750 to Barad, et al.

Claim 1, as amended, recites, *inter alia*:

“...wherein said changeable items include internal conditions, which include at least one of an emotional tendency, an instinct tendency, or an action configuration program...” (Emphasis Added)

As understood by Applicant, U.S. Patent No. 6,260,750 to Barad, et al. (hereinafter merely “Barad”) relates to the manufacturing and marketing of a personalized toy through the use of computer screen images. As to the manufacturing, a user viewing the displayed images is allowed to record a selected configuration of a component to be assembled as part of the personalized toy. A representational image of the toy incorporating the selected configuration may be displayed.

Applicant submits that nothing has been found in Barad that would disclose or suggest the above-identified features of claim 1.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claims 6, 11, 16, 21, 26, 31, 36, 41, and 46 are also believed to be patentable.

V. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

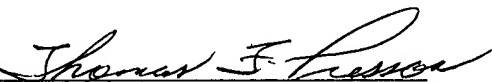
CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,
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